Public Service Staffing Tribunal

2009–2010

Performance Report

The Honourable James Moore, P.C., M.P.
Minister of Canadian Heritage and Official Languages

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Chairperson's Message

The 2009-2010 fiscal year marked the fifth year of operations for the Public Service Staffing Tribunal. Since the new staffing regime came into effect in December 2005, the Tribunal has been offering innovative approaches to help parties come to a mutually satisfactory resolution of their issues. In order to optimize the use of resources and maintain the cost of services at its current level, the Tribunal launched a 12-month settlement conference pilot project in January 2010. The project's results and effectiveness will be assessed after the trial period. We hope that this new tool will prove useful in resolving complaints in situations where mediation has been declined but settlement is still possible.

During the year, the Tribunal processed 1,156 files which included 752 new complaints in addition to 404 files carried over from the previous fiscal year. The Tribunal also had to cope with the departure of three of its five full-time members. Replacing them took several months. This situation could have led to delays in the processing of motions and applications for orders from parties and in the number of pre-hearing conferences and hearings held.

Measures were taken to prevent a backlog of cases that would have been difficult to clear up even with the arrival of new members. With only two full-time members and with the help of temporary members and staff, the Tribunal was able to issue 1,070 letter decisions, close 681 files of which almost 80% were closed within nine months of receiving the complaint. The *Public Service Employment Act* provides that the Tribunal may decide a complaint without holding an oral hearing. The Tribunal made use of this provision to dispose of 96 cases on the basis of the parties' written submissions, thus processing the complaints more rapidly. The Tribunal held 27 hearings and rendered 27 interim and final Reasons for Decisions. Due to the reduced number of full-time members, it took more time to issue these decisions. At the end of the year, the Tribunal had a full complement of members which will enable it, in future, to reduce the time required to issue its Reasons for Decision.

These figures indicate that the vast majority of complaints are resolved at different stages of the process, without an oral hearing, thanks to an approach that focuses on three factors: exchange of information, real dialogue and alternative dispute resolution. By taking these factors into account, the Tribunal is constantly able to develop practices to resolve disputes in a constructive and objective manner, thereby promoting a healthy, productive and effective workplace, a sign of a competent, non-partisan and representative public service.

Guy Giguère
Chairperson and Chief Executive Officer

SECTION I

Departmental Overview

Raison d'être

The Public Service Staffing Tribunal is an independent, quasi-judicial body established under the *Public Service Employment Act* to deal with complaints related to internal appointments and lay-offs in the federal public service. To resolve the complaints it receives, the Tribunal conducts hearings and provides mediation services.

Responsibilities

The Public Service Staffing Tribunal was established with the coming-into-force of the new *Public Service Employment Act* on December 31, 2005 as part of the new arrangements for staffing recourse. The legislative mandate of the Tribunal is to consider and dispose of complaints dealing with internal appointments, lay-offs, revocation of appointments, and the failure of corrective action ordered by the Tribunal. Under the Act, the Tribunal is also authorized to provide mediation services at any stage of a proceeding.

Strategic Outcome and Program Activity Architecture

Strategic Outcome
Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada
Program Activity
Adjudication and mediation of complaints under the Public Service Employment Act
Expected Results
• Tribunal decisions are timely, sound and well reasoned
• Optimal utilization of Tribunal's dispute resolution services by parties
Outputs
• Complaints processed
• Mediation sessions conducted
• Mediation training courses delivered

Summary of Performance

The Tribunal's financial resources had a direct impact on its ability to achieve its strategic outcome and deliver its activities. The following sections will highlight the Tribunal's performance and demonstrate linkages between resources and results.

At the outset of the 2009–2010 fiscal year, the Tribunal's planned spending was $5.5 million. Through Main Estimates and Supplementary Estimates, the department was allocated total authorities of $5.7 million and its actual spending was $4.9 million. The increase in authorities came from funding for the operating budget carry-forward and for wage increases.

2009–10 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
5,478	5,714	4,885

2009–10 Human Resources (FTEs)

Planned	Actual	Difference
37	37	0

Performance Summary

Strategic Outcome: ***Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada***

Performance Indicators	Targets	2009–10 Performance
Percentage of complaints referred to judicial review on the grounds that the Tribunal failed to observe a principle of natural justice, procedural fairness or other procedure	3%	The Tribunal exceeded its target in that, of the 120 final decisions (24 Reasons for Decision and 96 Letter Decisions) issued, one judicial review application was made to the Federal Court on the grounds that the Tribunal failed to observe a principle of natural justice, procedural fairness or other procedure. This represents 0.8% of all final decisions.

		2009–10				
Program Activity	2008–09 Actual Spending ($ thousands)	Main Estimates ($ thousands)	Planned Spending ($ thousands)	Total Authorities ($ thousands)	Actual Spending ($ thousands)	Alignment to Government of Canada Outcomes
Adjudication and mediation of complaints filed under the *Public Service Employment Act*	4,810	1,579	4,000	4,065	3,264	Well-managed and efficient government operations.
Internal Services: Human Resources, Finance, Information Management, Communications, Information Technology and Administrative Services	– *	–	1,478	1,649	1,621	
Total	**4,810**	**1,579**	**5,478**	**5,714**	**4,885**	

* Commencing in the 2009–10 Estimates cycle, the resources for Program Activity: Internal Services are displayed separately from other program activities; they are no longer distributed among the remaining program activities, as was the case in previous Main Estimates. This has affected the comparability of spending and FTE information by Program Activity between fiscal years.

Contribution of Priorities to Strategic Outcome

Given its very specific mandate, the Tribunal has a sole strategic outcome – *The fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada* – and a single program activity – *The adjudication and mediation of complaints under the* Public Service Employment Act. The Tribunal's three main operational priorities are directly related to both its strategic outcome and program activity.

Operational Priorities	Type	Status	Linkages to Strategic Outcome
1. Implementation of settlement conferences	New	***Met*** All documents and procedures for the settlement conferences have been prepared, approved and communicated to stakeholders, cases have been selected and settlement conference sessions have been scheduled for the beginning of the next fiscal year.	Settlement conferences will provide the Tribunal with another tool to achieve the fair and impartial resolution of complaints as informally and as expeditiously as possible. This is another opportunity offered by the Tribunal for alternative dispute resolution.
2. Rationalization of operational policies and procedures	Ongoing	***Met*** A new policy regarding the postponement of hearings was implemented to improve case management. The complaint form may now be filled out on-line and forwarded directly to the Tribunal. Preliminary work began on the replacement of the Tribunal's Case Management System. A needs analysis was completed and talks began with other organizations to determine whether there are systems that could be used or adapted.	Improving policies and procedures and planning for a new Case Management System will ensure the Tribunal has the information required for better case management and decision-making to support its strategic outcome.
3. Enhancement of external communications	Ongoing	***Met*** The Stakeholder Consultation Group, composed of representatives from bargaining agents, large and small departments, Treasury Board Legal Services and the Public Service Commission, was re-established and the terms of reference were reviewed. More than ten presentations focussing on the Tribunal's complaint process, jurisprudence and its dispute resolution services were given across Canada to groups which included bargaining agents, government departments, and universities.	Understanding the needs of our stakeholders and obtaining feedback from them allows the Tribunal to address any deficiencies in its communications strategy and its processes, and assists in the implementation of new procedures. Having stakeholders who better understand the complaint process and the other options open to them to resolve their complaints assists the Tribunal in its mandate which is linked to its strategic outcome.

Management Priorities	Type	Status	Linkages to Strategic Outcome
1. Internal Communications	Ongoing	***Met*** The Tribunal completed the review of its policy suite and posted it on its intranet. Work continued on the development and implementation of the Tribunal's three-year strategic plan for its information management system. The PSST is in the process of implementing the classification of records management including paper and electronic format.	Having a solid infrastructure in place provides a foundation for the Tribunal to be able to fulfill its mandate.
2. Strengthen human resources management	Ongoing	***Met*** The Tribunal sought input from its staff on how to improve the format of its all-staff meetings. A number of recommendations were implemented. A retreat which focussed on communications issues and team building was held in June. The Tribunal updated its Integrated Human Resources and Business Plan and its Learning and Development Program. The Tribunal developed and implemented a Long Service Award Program; an ergonomic guideline for workstations; a Business Continuity Plan; an Employee Assistance Program initiative through a seasonal newsletter and an employee orientation kit.	A satisified workforce and a healthy workplace lead to greater productivity and thus contribute to the accomplishment of the Tribunal's objectives.

Risk Analysis

In 2005, it was envisioned that the Tribunal would process approximately 400 complaints per year. In the last three years, the number of complaints received has been on average 772 per year. This is probably a good indication of the number of cases the Tribunal can expect to receive. There was a slight decrease in the number of complaints received in 2009–2010, from 821 in 2008–2009 to 742.

It remains difficult to predict whether or not the caseload will increase significantly. If there is an increase in the number of staffing actions or collective staffing, there could be a rise in the number of complaints. If, due to economic circumstances, there are lay-offs in the public service, that could also result in an increase in the number of complaints received.

The Tribunal is encountering challenges in the implementation of a funding transfer flowing from the Horizontal Strategic Review of Human Resources Organizations, but it is working with the Treasury Board Secretariat to resolve this issue. Until it is resolved, the Tribunal faces increased risks to effectively fulfill its mandate requirements.

When the Tribunal was initially set up, because of time constraints and immediate operational needs, a temporary Case Management System (CMS) was put into place to allow for tracking of complaints. Over the years, the system has been improved but remains inadequate in providing the relevant information needed for sound decision-making. At present, a number of things must be tracked manually and it is not possible to extract reports in a timely fashion.

In 2009–2010, meetings were held with other organizations who have recently implemented CMSs to discuss "lessons learned" and assess whether some of the work they have produced can be shared. Our research has determined that costs for a CMS can vary from $1M to $5M and the final product usually takes three years to be fully tested and implemented. Resolution of the funding transfer issue would permit the Tribunal to renew its CMS and continue refining its processes and implement new initiatives to ensure the fair and impartial resolution of the staffing complaints.

A challenge that was also identified in the 2008–2009 Departmental Performance Report continued in 2009–2010. For a significant portion of the fiscal year, only two permanent members remained to issue letter decisions, conduct hearings and render decisions. The delay in the appointment of new members in order to restore the full complement of five to seven permanent members had a significant effect upon the time it took the Tribunal to issue decisions. This situation was improved with the arrival of a newly appointed permanent member in July 2009 and a new Vice-Chairperson at the end of September 2009. Two additional permanent members were appointed in February and March 2010.

To mitigate the risks identified above, the Tribunal implemented a human resources strategy whereby two new positions were created to support the two remaining members.

Another risk identified as having a possible impact on the Tribunal's operations during 2009–2010 was the cap on travel, hospitality and conference expenses provided for in Budget 2010. The Tribunal's mandate

requires it to hear cases and conduct mediation sessions across Canada. There was some concern mid-way through the year that hearings and mediation sessions in February and March would have to be cancelled because the Tribunal would have reached its spending cap limit. Weekly monitoring of those expenses by the Tribunal's Corporate Services was required. Because a number of cases were either settled or withdrawn, the Tribunal did not exceed the spending cap and was not required to cancel any hearings or mediations. Hearings and mediations are always difficult to schedule due to parties' availability. Cancelling already scheduled mediations and hearings would have been viewed as an extremely poor business practice and would not be in keeping with paragraph 98(1) of the PSEA which directs the Tribunal to proceed as informally and expeditiously as possible.

To aid with the pressures created by the spending cap on travel expenses, the Tribunal completed the framework for its settlement conferences and developed a pilot project whereby 25% of the mediations it conducts will be done over the phone or via videoconferencing. These pilot projects will be fully implemented in fiscal year 2010-2011.

Work on the legislatively mandated review of the *Public Service Modernization Act* (PSMA) began with the creation of a committee by Treasury Board Secretariat to conduct the review. Various stakeholders, including the Tribunal, were asked to provide feedback and recommendations. The Tribunal consulted internally to identify deficiencies in the PSEA with respect to matters affecting its operations. Its final recommendations will be presented to the committee in 2010-2011.

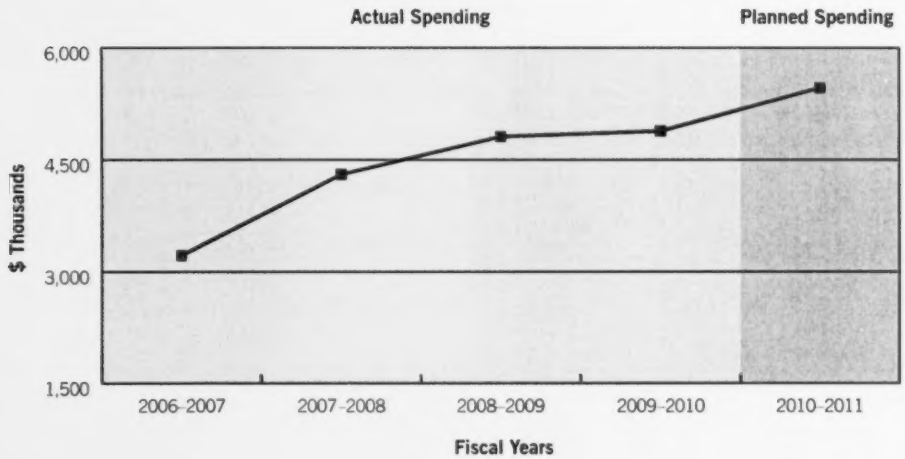
Expenditure Profile

The Tribunal's actual spending was $4.9 million in 2009–2010. The Tribunal's expenditures have increased since the PSEA came into force in December 2005 because the number of complaints filed with the Tribunal rose sharply. Since its establishment in 2005, the Tribunal has steadily built up its capacity and invested in its infrastructure to deliver its activities.

The Tribunal was originally established with a planned expenditures budget of $5 million on the assumption that approximately 400 complaints would be submitted per year. This number was reached in the Tribunal's second year of operations (2006–2007). An average of 772 complaints has been received in the last three fiscal years (April 1, 2007 to March 31, 2010). Despite the significant increase in the number of complaints, the Tribunal has continued to operate within the resources that were originally allocated. The number of complaints received in 2009–2010 was 752 which represents a slight decrease from the three-year average.

The chart below shows the Tribunal's spending trend over a five-year period including planned spending for the fiscal year 2010-2011.

Spending Trend



Voted or Statutory Items		2007–08 Actual Spending ($ thousands)	2008–09 Actual Spending ($ thousands)	2009–10 Main Estimates ($ thousands)	2009–10 Actual Spending ($ thousands)
105	Program expenditures	3,902.0	4,325.0	1,567.0	4,327.0
(S)	Contributions to employee benefit plans	402.0	485.0	12.0	558.0
Total		4,304.0	4,810.0	1,579.0	4,885.0

SECTION II

Analysis of Program Activities by Strategic Outcome

Strategic Outcome

Fair and impartial resolution of disputes related to internal appointments and lay-offs in the Government of Canada

The Tribunal's strategic outcome is derived directly from the mandate conferred upon it by the PSEA. Subsection 88(2) of the Act reads as follows: "The mandate of the Tribunal is to consider and dispose of complaints made under subsection 65(1) and sections 74, 77 and 83."

These sections – 65, 74, 77 and 83 – refer to lay-offs, the revocation of an appointment, internal appointments and the failure of corrective measures respectively.

In considering whether a complaint against an internal appointment or lay-off is founded, the Tribunal may interpret and apply the *Canadian Human Rights Act*.

The PSEA also permits the Tribunal to provide mediation services at any stage of its proceeding in order to resolve a complaint.

By providing neutral, third party recourse for staffing complaints within the federal public service, the Tribunal helps to ensure that Canada and Canadians are served by a highly competent and professional public service based on merit and non-partisanship.

Program Activity by Strategic Outcome

Program Activity:
Adjudication and mediation of complaints filed under the *Public Service Employment Act*

2009–10 Financial Resources ($ thousands)			2009–10 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
4,000	4,065	3,264	28	28	0

Program Activity:
Internal Services

2009–10 Financial Resources ($ thousands)			2009–10 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
1,478	1,649	1,621	9	9	0

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
Tribunal decisions are timely, sound and well reasoned	Percentage of decisions where reasons are issued within four months of hearing	80%	Not met	The fact that the Tribunal did not have a full complement of members until March 2010 resulted in the Tribunal issuing only 15% of its Reasons for Decisions within four months of the hearing. On average, decisions were rendered within eight months of the hearing.
	Percentage of Tribunal decisions upheld on judicial review	95%	Met	Of the five applications for judicial review that were filed with the Federal Court, two were discontinued, two are still pending and one application was granted. The latter application, however, dealt only with the corrective measures ordered by the Tribunal and did not challenge the reasoning or conclusions in the decision.
Optimal utilization of Tribunal's dispute resolution services by parties	Percentage of mediations resulting in withdrawal of complaint	70%	Exceeded	Of the 201 mediation sessions held in 2009–2010, 175 resulted in a withdrawal of the complaints which represents a settlement rate of 87%.

Outputs	Performance Indicators	Targets	Performance Status	Performance Summary
Complaints processed	Percentage of case files closed within 270 days	80%	Mostly met	Of the 681 files closed during the fiscal year, 76% were closed within 270 days following the receipt of the complaint, slightly under the target of 80%.
	Number of complaints processed per year	As required	A total of 1,156 complaint files were processed during the year: 404 files were carried over from the previous year and 752 new complaints were submitted.	In 2008–2009, there were 821 new complaints. The number of new cases this year–752– represents an 8.5% decrease in the number of complaints received from the previous year.
Mediation sessions conducted	Number of mediations held per year	140	Exceeded	With a full complement of staff mediators and three temporary members available to provide mediation services, 201 mediation sessions were held during the year.
Mediation training courses delivered	Number of mediation training courses for stakeholders given per year	6	Met	The Tribunal met the training needs of its stakeholders by providing the Interest-based Negotiation and Mediation course six times.

Program Activity

Adjudication and mediation of complaints filed under the *Public Service Employment Act*

Benefits for Canadians

The PSEA was intended to modernize staffing in the public service by providing independent recourse for complaints related to internal appointments and lay-offs and also increase the availability and effectiveness of mediation in resolving complaints.

Through its efforts to both provide transparent, impartial and sound decisions to its stakeholders and help the parties resolve complaints without a hearing, the Tribunal contributes to the effective human resources management in the public service and the protection of the integrity of the appointment process. In this way, the Tribunal provides support to a public service based on merit and capable of delivering services of the highest quality to Canadians.

Performance Analysis

Expected Results

1. Tribunal decisions are timely, sound and well reasoned.

The Tribunal's main objective is to render high quality decisions with respect to complaints filed under the PSEA within a reasonable time frame. One measure of the quality of decisions is the number of applications for judicial review filed with the Federal Court and, of those, the number granted. Whenever new legislation is enacted, such as is the case of the PSEA, more applications for judicial review may be filed as a way to clarify the intent of Parliament and the interpretation to be given to a particular provision. Federal Court decisions are instructive for the parties and the Tribunal even in cases where a judicial review application has been granted and the case is returned to the Tribunal for a new hearing. The Tribunal's reasoning in its analysis of abuse of authority has been maintained. Since 2006, only 1% of the Tribunal's decisions have been quashed by the Federal Court.

The indicators and targets for measuring the quality and time involved in rendering decisions are as follows:

Indicator	Target
Percentage of decisions where reasons are issued within four months of hearing	**80%**

The Tribunal fell short of its target with respect to the time it takes to issue the Reasons for Decision after a hearing as only 15% of the decisions were rendered within four months of the hearing. On average, Reasons for Decision were issued within eight months of the hearing. This is due to three main factors: the complexity of precedent-setting decisions that were issued, the number of complaints and the limited number of members available to conduct hearings and write decisions, both Reasons for Decision and letter decisions. The Tribunal started the year with two permanent members whose main responsibility was to hear cases and render decisions. Twenty-seven hearings were held across Canada. The two permanent members were also responsible for issuing the majority of the 1,070 letter decisions issued. This responsibility combined with the conduct of hearings and the number of Reasons for Decision each member already had to write resulted in an inability to meet the ambitious target that the Tribunal set for the issuance of its decisions.

Given that at year end the Tribunal had, for the first time since it was created, six full time permanent members, it is anticipated that the time for issuing a final decision will be reduced and that the Tribunal will be in a better position to achieve its goal of rendering decisions within four months of the hearing.

Indicator	Target
Percentage of Tribunal decisions upheld on judicial review	**95%**

A total of five decisions were referred to judicial review out of the 120 final decisions issued. Two applications were discontinued and two decisions are pending. The Federal Court upheld one application for judicial review. In that case, it was only the corrective measures ordered by the Tribunal that were being challenged. The Tribunal's revocation of the appointment and its finding of abuse of authority by reason of bad faith and personal favouritism were not being challenged. The Tribunal issued a new decision that contained modified corrective measures.

The Federal Court did render six other decisions in the year in review involving applications for judicial review that had been filed in previous fiscal years (2007 to 2010). In one case, it was the corrective measures ordered by the Tribunal that were being challenged. The finding of abuse of authority by reason of bad faith was not challenged. The Court granted the application and set aside the corrective measures ordered by the Tribunal. The Court dismissed two applications and sent back three cases for rehearing by a new member. In one of these cases, the complainants withdrew their complaints so it was not necessary for the Tribunal to rehear the case.

An application for judicial review may be filed in one fiscal year but the Federal Court may render its decision one or two years later. This has been the case with a number of the Tribunal's decisions that have gone to the Federal Court, as indicated in the previous paragraph. Therefore, to truly measure the Tribunal's performance with respect to this indicator, an overview of the Tribunal's performance in terms of the year the applications for judicial review were filed is provided below.

	2007–2008	2008–2009	2009–2010	TOTAL
Number of judicial review applications filed	6	5	5	16
Applications dismissed or moot	1	2	0	3
Applications granted	2	2	1	5
Applications discontinued	3	0	2	5
Applications pending	0	1	2	3
Number of final decisions rendered by Tribunal	157	172	120	449
Percentage of decisions upheld	98.7%	98.8%	99.2%	98.9%

2. Optimal utilization of Tribunal's dispute resolution services by parties

In keeping with the spirit and intent of the *Public Service Modernization Act*, the Tribunal strives to assist the parties resolve complaints without having to proceed to a hearing.

The indicator and target for measuring the resolution of complaints is as follows:

Indicator	Target
Percentage of mediations resulting in withdrawl	**70%**

Parties made effective use of the Tribunal's mediation services during 2009–2010 in that the Tribunal's target was exceeded by 17%. Two hundred and one (201) mediation sessions were held during the year and, of these, 175 resulted in a withdrawal of the complaint. This represents an 87% settlement rate.

Outputs

1. Complaints processed

The number of complaints filed appears to have stabilized. The average number of complaints received in the last three years is 772. The Tribunal received 752 new complaints in 2009–2010 but processed 1,156 complaints in total as some complaints were carried over from previous years. The Tribunal closed 681 cases. An average of 676 cases per year, or 88% of all cases, have been closed over the last three years. Procedures and policies have been put in place or modified to enable the Tribunal to process complaints in a timely manner – for example, pre-hearing conferences, paper hearings and mediation. Policies and procedures have been put in place to begin settlement conferences in the upcoming year.

2. Mediation sessions conducted

Under the PSEA, the Tribunal "may provide mediation services at any stage of a proceeding in order to resolve a complaint". Accordingly, the Tribunal has placed considerable emphasis upon mediation and achieved a high rate of success. During the year, a full complement consisting of five staff mediators (four full-time and one casual) and three temporary members was available to provide mediation services.

3. Mediation training courses delivered

The Tribunal has offered mediation training since early 2006. As a result of the continuing interest in and demand for mediation training in the staffing context, the Tribunal is committed to offering its *Interest-based Negotiation and Mediation* training six times a year in order to meet the needs of its stakeholders.

Lessons Learned

Outreach

As mentioned above, the Tribunal's *Interest-Based Negotiation and Mediation* (IBNM) training continues to be delivered six times a year. Feedback from these sessions continued to be extremely positive. Participants, however, expressed a need to have more information on the Tribunal's jurisprudence as a means to better understand how the Tribunal has dealt with the concept of abuse of authority. As a result, on the last day of this training the Tribunal's Legal Services now give a two-hour presentation entitled *Trends and Jurisprudence*. In addition, general information sessions about the Tribunal, including information about its complaint process and mediation services, continued to be given upon request throughout the year. The following chart summarizes the dates, locations and host organizations for the information sessions and mediation courses held during the year:

DATE	HOST ORGANIZATION	LOCATION
April 7, 2009	Human Resources and Skill Development Canada	National Capital Region (NCR)
April 22-24, 2009	IBNM Public Service Staffing Tribunal	NCR
May 14, 2009	Fisheries and Oceans Canada	NCR
June 3-5, 2009	IBNM, Public Service Staffing Tribunal	NCR
October 19, 2009	Canada Employment and Immigration Union	NCR
October 20-22, 2009	IBNM, Public Service Staffing Tribunal	Vancouver, British Columbia
October 30, 2009	Australia Merit Board	NCR
November 2, 2009	Public Service Alliance of Canada	NCR
November 5, 2009	Saint-Paul University	NCR
November 24-26, 2009	IBNM, Public Service Staffing Tribunal	Montréal, Québec
November 27, 2009	Justice Canada	NCR
January 19-21, 2010	IBNM, Public Service Staffing Tribunal	Kingston, Ontario
February 17-19, 2010	IBNM, Public Service Staffing Tribunal	NCR

In addition, the Tribunal's website provides a great deal of information about the Tribunal's processes, including mediation and the decisions rendered by the Tribunal. Assistance to the parties is provided during the course of the complaint process by Registry staff to provide clarification on the Tribunal's policies and procedures.

In light of the success of the Tribunal's dispute resolution services, the Tribunal will ensure that its stakeholders continue to receive timely and relevant information regarding Tribunal decisions, policies and procedures through its communications products and tools, and training program.

Judicial Review of Tribunal Decisions

The few decisions rendered by the Federal Court up to now have been instructive for the Tribunal as the grounds for recourse are completely different in the new PSEA. It is noteworthy that the Tribunal's definition and analysis of the concept of abuse of authority has been maintained. In three cases, the Court disagreed with the Tribunal's analysis of certain facts or evidence and sent the cases back to the Tribunal to "start over". In two cases where the Tribunal's corrective measures were being challenged, the Court clarified the Tribunal's jurisdiction with respect to what it can order.

The Tribunal strives to issue sound and well reasoned decisions. The Tribunal has rendered 494 decisions since 2006. The Federal Court has granted five applications, which represents 1% of the total number of decisions rendered by the Tribunal.

The Tribunal will continue to strive to balance the need to consider and dispose of complaints as informally and expeditiously as possible with its duty to act fairly as a quasi-judicial administrative body.

Timeliness of Tribunal Decisions

A number of factors have an impact upon the time it takes to issue a decision following a hearing by a Tribunal member. These include: the number of complaints received by the Tribunal; the number of members available to conduct hearings and write decisions; the complexity of the case; the possibility of establishing a precedent; and the appointment process for Tribunal members. The Tribunal has no control over any of these factors and can only affect the length of the process by ensuring that appropriate internal mechanisms for producing and reviewing a decision within a reasonable time frame are in place. For this reason, the Tribunal continually monitors its internal processes and makes any adjustments deemed necessary.

SECTION III

Supplementary Information

Financial Highlights

The financial highlights presented within this DPR are intended to serve as a general overview of PSST's financial position and operations. The Tribunal's financial statements can be found on the PSST's website at: www.psst-tdfp.gc.ca/article.asp?id=3486

Condensed Statement of Financial Position
At End of Year (March 31, 2010) ($ dollars)

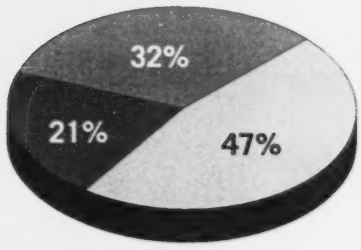
	% Change	2010	2009
ASSETS			
Total Assets	-45%	11,470	21,017
TOTAL	-45%	11,470	21,017
LIABILITIES			
Total Liabilities	25%	1,690,321	1,352,178
EQUITY			
Total Equity	26%	(1,678,851)	(1,331,161)
TOTAL	**-45%**	**11,470**	**21,017**

Condensed Statement of Financial Operations
At End of Year (March 31, 2010) ($ dollars)

	% Change	2010	2009
EXPENSES			
Total Expenses	3%	5,649,675	5,479,579
REVENUES			
Total Revenues		–	5
NET COST OF OPERATIONS	**3%**	**5,649,675**	**5,479,574**

Financial Highlights Chart

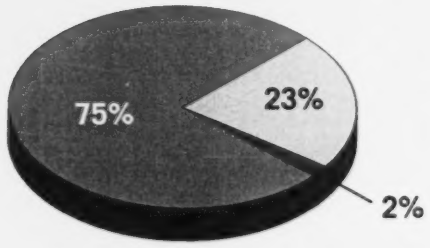
Spending Distribution by Operational Priorities



■ ***Mediation Services***
■ ***Internal Services***
□ ***Adjudication Services***

Based on the Tribunal's financial statements, total expenses were $5.6 million in 2009–2010. In total, $2.6 million or 47% were spent on the Adjudication Services while Mediation Services represented $1.2 million or 21% of total expenses, and Internal Services represented $1.8 million or 32% of total expenses.

Spending Distribution by Type



■ ***Transitional Cost – Devinat***
■ ***Salaries and Employee Benefits***
□ ***Other Operating Expenses***

Total expenses for the Tribunal were $5.6 million in 2009–2010 of which $4.2 million or 75% were spent on salaries and employee benefits while $1.3 million or 23% were spent on other operating costs such as transportation costs, professional services fees, accommodation costs and costs for hearing and mediation facilities. The balance of $90 thousand or 2% of the Tribunal costs was for translating its decisions (Devinat SPA).